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DOCKET NO.: C1041.70005US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wagner et al.
Serial No.: 10/811,226
Confirmation No.: 1072
Filed: March 26, 2004
For: PHARMACEUTICAL COMPOSITION COMPRISING A POLYNUCLEOTIDE AND
OPTIONALLY AN ANTIGEN ESPECIALLY FOR VACCINATION
Examiner: Not Yet Assigned
Art Unit: 1614

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 24th day of October, 2006.


Emily E. Zukauskas

MAIL STOP AMENDMENT

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

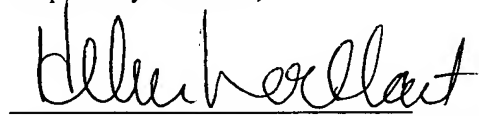
- Information Disclosure Statement
- PTO Form 1449 with cited references
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

By:


Helen C. Lockhart, Ph.D., Reg. No.: 39,248
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Docket No.: C1041.70005US01
Date: October 24, 2006
xNDDx



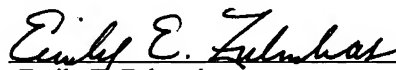
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P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing of a first Office action on the merits in the above-identified case.

No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>	<u>Docket No.</u>
09/316,199	05-21-1999	McCluskie et al.	*C1040.70006US00
09/337,584	06-21-1999	Krieg et al.	*C1039.70020US00
09/337,893	06-21-1999	Krieg	*C1039.70022US00
09/630,319	07-31-2000	Krieg et al.	*C1039.70042US00
09/655,319	09-05-2000	Krieg et al.	C1039.70041US00
09/669,187	09-25-2000	Krieg et al.	*C1039.70035US00
09/786,436	09-03-1999	Wagner et al.	C1041.70010US00
10/187,489	07-02-2002	Krieg et al.	C1039.70062US00
10/532,746	09-09-2005	Ahluwalia et al.	*C1037.70035US01
11/179,008	07-08-2005	Hartmann et al.	*C1039.70044US02
11/401,093	04-10-2006	Krieg et al.	*C1037.70062US01
11/411,975	04-26-2006	Uhlmann et al.	*C1041.70045US01
11/503,377	08-11-2006	Krieg et al.	*C1039.70061US01
11/503,483	08-11-2006	Krieg et al.	*C1039.70048US22
11/507,079	08-18-2006	Krieg et al.	*C1039.70035US04
11/526,197	09-22-2006	Krieg et al.	*C1039.70048US23
11/526,896	09-22-2006	Bratzler et al.	*C1037.70013US03
11/542,845	10-04-2006	Krieg et al.	*C1037.70048US01
11/543,314	10-04-2006	Lipford et al.	*C1041.70036US02

*A copy of this reference is not provided as the Office has waived the requirement under 37 C.F.R. 1.98(a)(2)(iii) for submitting a copy of a cited U.S. patent application if it is scanned to the Image File Wrapper system and is available on Private PAIR.

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

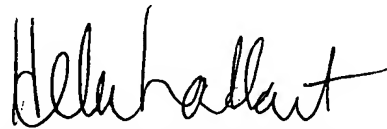
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

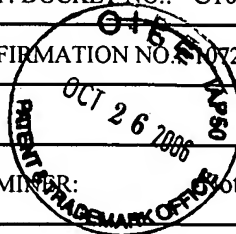
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FORM PTO-1449/A and B (modified PTO/SB/08) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 10/811,226	ATTY. DOCKET NO.: C1041.70005US01
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				APPLICANT: Wagner et al.	
				GROUP ART UNIT: 1614	EXAMINER: Not Yet Assigned
Sheet	1	of	13		



U.S. PATENT DOCUMENTS

Examiner's Initials #	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or Issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	A1	4,452,775		Kent	06-05-1984
	A2	5,595,756		Bally et al.	01-21-1997
	A3	5,663,153		Hutcherson et al.	09-02-1997
	A4	5,723,335		Hutcherson et al.	03-03-1998
	A5	5,753,613		Ansell et al.	05-19-1998
	A6	5,780,448		Davis	07-14-1998
	A7	5,785,992		Ansell et al.	07-28-1998
	A8	5,849,719		Carson et al.	12-15-1998
	A9	5,965,542		Wasan et al.	10-12-1999
	A10	5,976,567		Wheeler et al.	11-02-1999
	A11	5,981,501		Wheeler et al.	11-09-1999
	A12	6,004,534		Langer et al.	12-21-1999
	A13	6,027,726		Ansell	02-22-2000
	A14	6,090,791		Sato et al.	07-18-2000
	A15	6,110,745		Zhang et al.	08-29-2000
	A16	6,174,872	B1	Carson et al.	01-16-2001
	A17	6,194,388	B1	Krieg et al.	02-27-2001
	A18	6,207,646	B1	Krieg et al.	03-27-2001
	A19	6,214,806	B1	Krieg et al.	04-10-2001
	A20	6,218,371	B1	Krieg et al.	04-17-2001
	A21	6,221,882		Macfarlane	04-24-2001
	A22	6,239,116	B1	Krieg et al.	05-29-2001
	A23	6,339,068	B1	Krieg et al.	01-15-2002
	A24	6,339,630		Macfarlane	06-04-2002
	A25	6,248,720	B1	Mathiowitz et al.	06-19-2001
	A26	6,406,705	B1	Davis et al.	06-18-2002
	A27	6,426,336	B1	Carson et al.	07-30-2002
	A28	6,429,199	B1	Krieg et al.	08-06-2002
	A29	6,479,504		Macfarlane et al.	11-12-2002
	A30	6,498,148	B1	Raz	12-24-2002
	A31	6,514,948	B1	Raz et al.	02-04-2003
	A32	6,521,637		Macfarlane	02-18-2003

EXAMINER:	DATE CONSIDERED:
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449/A and B (modified PTO/SB/08) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 10/811,226		ATTY. DOCKET NO.: C1041.70005US01			
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				GROUP ART UNIT: 1614		EXAMINER: Not Yet Assigned			
Sheet	2	of	13						

	A33	6,562,798	B1	Schwartz	05-13-2003
	A34	6,589,940	B1	Raz et al.	07-08-2003
	A35	6,610,308		Haensler	08-26-2003
	A36	6,610,661	B1	Carson et al.	08-26-2003
	A37	6,630,455	B1	Mitchell	10-07-2003
	A38	6,653,292	B1	Krieg et al.	11-25-2003
	A39	6,693,086	B1	Dow et al.	02-17-2004
	A40	6,727,230	B1	Hutcherson et al.	04-27-2004
	A41	6,821,957	B1	Krieg et al.	11-23-2004
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	A43	6,943,240		Bauer et al.	09-13-2005
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	A45	6,951,845		Carson et al.	10-04-2005
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	A47	2002-0055477	A1	Van Nest et al.	05-09-2002
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	A49	2002-0091097	A1	Bratzler et al.	07-11-2002
	A50	2002-0164341	A1	Davis et al.	11-07-2002
	A51	2003-0022852	A1	Van Nest et al.	01-30-2003
	A52	2003-0026801	A1	Weiner et al.	02-06-2003
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	A54	2003-0050261	A1	Krieg et al.	03-13-2003
	A55	2003-0050268	A1	Krieg et al.	03-13-2003
	A56	2003-0059773	A1	Van Nest et al.	03-27-2003
	A57	2003-0078223	A1	Raz et al.	04-24-2003
	A58	2003-0091599	A1	Davis et al.	05-15-2003
	A59	2003-0092663	A1	Raz et al.	05-15-2003
	A60	2003-0100527	A1	Krieg et al.	05-29-2003
	A61	2003-0104044	A1	Semple et al.	06-05-2003
	A62	2003-0109469	A1	Carson et al.	06-12-2003
	A63	2003-0119774	A1	Foldvari et al.	06-26-2003
	A64	2003-0119773	A1	Raz et al.	06-26-2003
	A65	2003-0129251	A1	Van Nest et al.	07-10-2003
	A66	2003-0133988	A1	Fearon et al.	07-17-2003
	A67	2003-0139364	A1	Krieg et al.	07-24-2003
	A68	2003-0148316	A1	Lipford et al.	08-07-2003

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	A69	2003-0148976	A1	Krieg et al.	08-07-2003
	A70	2003-0165478	A1	Sokoll et al.	09-04-2003
	A71	2003-0175731	A1	Fearon et al.	09-18-2003
	A72	2003-0181406	A1	Schetter et al.	09-25-2003
	A73	2003-0186921	A1	Carson et al.	10-02-2003
	A74	2003-0191079	A1	Krieg et al.	10-09-2003
	A75	2003-0199466	A1	Fearon et al.	10-23-2003
	A76	2003-0203861	A1	Carson et al.	10-30-2003
	A77	2003-0212026	A1	Krieg et al.	11-13-2003
	A78	2003-0224010	A1	Davis et al.	12-04-2003
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	A80	2003-0232074	A1	Lipford et al.	12-18-2003
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	A82	2004-0006010	A1	Carson et al.	01-08-2004
	A83	2004-0006034	A1	Raz et al.	01-08-2004
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	A85	2004-0013688	A1	Wise et al.	01-22-2004
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	A91	2004-0067905	A1	Krieg	04-08-2004
	A92	2004-0087534	A1	Krieg et al.	05-06-2004
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	A94	2004-0092472	A1	Krieg	05-13-2004
	A95	2004-0092468	A1	Schwartz et al.	05-13-2004
	A96	2004-0106568	A1	Krieg et al.	06-03-2004
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	A99	2004-0132685	A1	Krieg et al.	07-08-2004
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	A103	2004-0147468	A1	Krieg et al.	07-29-2004
	A104	2004-0152649	A1	Krieg	08-05-2004

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Sheet	4	of	13						

	A105	2004-0152656	A1	Krieg et al.	08-05-2004
	A106	2004-0152657	A1	Krieg et al.	08-05-2004
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	A117	2004-0234512	A1	Wagner et al.	11-25-2004
	A118	2004-0235770	A1	Davis et al.	11-25-2004
	A119	2004-0235774	A1	Bratzler et al.	11-25-2004
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	A132	2005-0037403	A1	Krieg et al.	02-17-2005
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	A138	2005-0054602	A1	Krieg et al.	03-10-2005
	A139	2005-0059619	A1	Krieg et al.	03-17-2005
	A140	2005-0059625	A1	Krieg et al.	03-17-2005

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Sheet	5	of	13						

	A141	2005-0064401	A1	Olek et al.	03-24-2005
	A142	2005-0070491	A1	Krieg et al.	03-31-2005
	A143	2005-0075302	A1	Hutcherson et al.	04-07-2005
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	A158	2005-0209184	A1	Klinman et al.	09-22-2005
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	A170	2005-0244380	A1	Krieg et al.	11-03-2005
	A171	2005-0249794	A1	Semple et al.	11-10-2005
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	A173	2005-0256073	A1	Lipford et al.	11-17-2005
	A174	2005-0267057	A1	Krieg	12-01-2005
	A175	2005-0267064	A1	Krieg et al.	12-01-2005
	A176	2005-0277604	A1	Krieg et al.	12-15-2005

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				APPLICANT: Wagner et al.	
				GROUP ART UNIT: 1614	EXAMINER: Not Yet Assigned
Sheet	13	of	13		

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*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. __, filed __, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

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